

Appendix C AUTHORITIES AND REFERENCES

AUTHORITIES

General Overview

The Code of Virginia, *Title 44* provides general and specific statutory authority for the development, maintenance and implementation of the *COVEOP*.

Executive orders, issued by the Governor when the Commonwealth is threatened or impacted by an emergency or disaster, activate the plan and authorize emergency specific actions.

This plan must be compatible with federal plans and statutes in order to provide prompt, effective and seamless assistance to the local communities in Virginia when federal assistance is requested.

Code of Virginia

The enabling legislation for this plan is summarized below:

- Title 44 Chapter 3.2 -*The Emergency Services and Disaster Law of 2000, as Amended* - defines the powers and duties of the Governor and of political subdivisions, establishes the Department of Emergency Management, defines emergency declarations, the duties of emergency management organizations, and joins Virginia to the national Emergency Management Assistance Compact (EMAC).
- Title 44 Chapter 3.3 -*Transportation of Hazardous Radioactive Materials-*

authorizes VDEM to monitor transportation of hazardous radioactive materials within the Commonwealth.

- Title 44 Chapter 3.4 -*Funding for State and Local Government Radiological Emergency Preparedness* - authorizes payment of fees to the Commonwealth by the owner of each nuclear power station in Virginia.
- Title 44 Chapter 3.5 - *Virginia Hazardous Materials Emergency Response Program* - establishes the VDEM regional hazardous materials incident response program.

Additional statutes provide oversight and coordination for elements of the Commonwealth's emergency management program.

- Code of Virginia, §2.2-304 – Establishes the Office of Commonwealth Preparedness to work with and through others (federal, state local, private and voluntary) to develop a seamless, coordinated security and preparedness strategy and implementation plan for the Commonwealth.
- Code of Virginia, §2.2-306 - Establishes the *Secure Virginia Panel* with authority to monitor and assess the implementation of statewide prevention, preparedness, response and recovery initiatives.

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- Code of Virginia §2.2-205.1.E - Authorizes the Governor to direct the Secretary of Commerce and trade to activate a disaster-specific Economic Crisis Task Force to coordinate the resources to plan and implement a strategy for long-term community recovery.
- Code of Virginia §10.1-602 authorizes the Department of Conservation and Recreation to develop a flood protection plan for the Commonwealth and serve as the coordinator of all flood protection programs and activities, including the FEMA National Flood Insurance Program (NFIP) and the federal flood protection programs of the USACE and USGS.
- The Homeland Security Act of 2002, Pub.Law 107-296, 116 Stat.2135 (2002) established the Department of Homeland Security with primary missions to prevent terrorist attacks, reduce the vulnerability of the US to terrorism at home, minimize the damage and assist in the recovery from terrorist attacks that occur and act as the focal point regarding natural and manmade crises and emergency planning.
- The Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub.L.No.107-188, 116 Stat.294 (2002) is designed to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

REFERENCES

Federal References¹

Federal Statutes

- The Stafford Act – The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 93 Pub. L. No.288 Stat. 143 as amended establishes the programs and processes for the federal government to provide disaster and emergency assistance to states, local governments, tribal nations, individuals and qualified private non-profit organizations at the request of the Governor. The Stafford Act is defined by the Code of Federal Regulations (CFR) 44.
- The National Emergencies Act, 50 UU.S.C.§§1601-1651 (2003) establishes procedures for the Presidential declaration and termination of national emergencies.
- The Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675 (2002) and the Federal Water Pollution Control Act (Clean Water Act) establish broad federal authority to respond to releases or threats of releases of hazardous substances and pollutants or contaminants that may present an imminent and substantial danger to public health or welfare and to discharges of oil.
- Numerous additional federal statutes that address federal assistance in the prevention and control of rural fire

¹ For additional federal references, see the National Response Plan, Appendix 3 (11/04).

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emergencies, incidents of domestic violence, emergencies involving biological or chemical weapons of mass destruction, and emergencies involving nuclear materials.

- The Public Health Service Act (42 U.S.C. §§ 201 et seq) provides that the Secretary of Health and Human Services may declare a public health emergency under certain circumstances.
- Flood Control and Coastal Emergencies, 33 U.S.C. § 701n (2002) authorizes and emergency fund for the U.S. Army Corps of Engineers for preparation for emergency response to natural disasters, flood fighting and rescue operations, etc.